

## **Meeting Notice**

**Date Notice Posted: August 7, 2009**

**City of East Providence**

**City Council Meeting**

**Date of Meeting: Tuesday, August 11, 2009**

**Time of Meeting: 7:30 P.M.**

**Location of Meeting:**

**City Hall, Council Chambers**

**145 Taunton Avenue**

**East Providence, RI 02914**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**August 11, 2009**

**7:00pm Executive Session**

**7:30pm Open Session**

### **I. EXECUTIVE SESSION**

**The City Council of the City of East Providence will meet in Executive Session to discuss Claims and Litigation pursuant to RI General Laws § 42-46-5 (a) (2)**

## **A. Claims Committee**

**See concurrently posted Claims Committee Meeting Agenda**

## **II. CALL TO ORDER**

## **III. INVOCATION**

## **IV. SALUTE TO THE FLAG**

## **V. TO APPROVE THE CONSENT CALENDAR**

**All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.**

**Motion\_\_\_\_\_By\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_\_Cusack\_\_\_\_DiTraglia\_\_\_\_Perry\_\_\_\_Larisa\_\_\_\_\_**

## **A. Letters**

- 1. RI Ethics Commission New General Commission Advisory 2009-1: Nepotism, dated 7/22/09.**
- 2. Coastal Resources Management Council proposed policy changes, dated 7/23/09.**
- 3. Coastal Resources Management Council Semi-Monthly Meeting 7/28/09.**

## **B. Hawker (90 day)**

**1. Capuano Holding Corp. LLC, 94 Indian Trail, Saunderstown (02874)**

**VI. APPOINTMENTS**

**A.Municipal Court Judge**

**Harry W. Asquith, Jr., 49 Hoyt Avenue (02916)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**B.Historic District Commission (by Mayor Larisa)**

**Stephen Greenleaf, 30 Holbrook Avenue (02916)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**C.Zoning Board of Review – Alternate #1 (by Mayor Larisa)**

**Richard G.Croke, 85 Hazelwood Avenue (02914)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**D.Zoning Board of Review – Alternate #2 (by Mayor Larisa)**

**Peter F. Midgley, 78 Smith Street (02915)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**VII. LICENSES REQUIRING PUBLIC HEARING**

**A.CLASS B-FULL PRIVILEGE VICTUALER**

**1. Lucky's American Bar & Grille, Inc., 1175 Warren Avenue (02914)**

**Joseph A. Kern, Jr., 223 Pleasant Street, Rehoboth, MA 02769**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_\_Cusack\_\_\_\_DiTraglia\_\_\_\_Perry\_\_\_\_Larisa\_\_\_\_\_**

**VIII. LICENSES NOT REQUIRING PUBLIC HEARING**

**A.VICT/OVER 50**

**1. Lucky's American Bar & Grille, Inc., 1175 Warren Avenue  
(02914)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_\_Cusack\_\_\_\_DiTraglia\_\_\_\_Perry\_\_\_\_Larisa\_\_\_\_\_**

**IX. PUBLIC HEARING – ORDINANCES FINAL PASSAGE**

**A. The following ordinance provides for the collection of mattresses, box springs and other bedding materials by the refuse collection contractor for a fee of \$15 for each item.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 6 O F THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “GARBAGE AND REFUSE.” Which amends Subsection (4) entitled “Miscellaneous items” of Section 6-39 entitled “Recyclable materials established” by adding thereto the**

**following:**

**c. Mattresses, box springs and other bedding materials. All residential bedding materials such as mattresses, box springs or other items with similar characteristics as determined by the director of public works shall be collected by the municipal refuse collection contractor as scheduled by the public works department and separated to be recycled at the Rhode Island Resource Recovery Corporation facility; and by adding:**

**Sec. 6-47. Mattress, box spring, bedding material collection fee.**

**The fee for collection of a mattress, box spring or other bedding material, as defined in section 6-39, is hereby fixed at \$15.00 dollars for each item.**

**Requested by: Director of Public Works**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**B. “The following ordinance would allow the Fire Alarm Inspector to charge a fee of \$100 for every re-inspection for the acceptance of a sprinkler system, suppression system or fire alarm system.”**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 5 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “FIRE PREVENTION”, which amends**

**Sec. 5-31 entitled “Inspection of nonresidential structures and dwelling generally” of Article II entitled “Inspections, Compliance and Violations of Fire Safety Code”**

**Sec. 5-31. Inspection of nonresidential structures and dwelling generally.**

**(a) The chief of the department or his designate is hereby authorized and directed to make inspections to determine the condition of any nonresidential structure or dwelling place of four or more units in order that he may perform the duty of safeguarding the health, safety and welfare of the occupants of nonresidential structures or dwelling places of four or more units, and of the general public. For the purpose of making such inspections the chief of the department or his designate is hereby authorized to examine and survey between the hours of 8:00 a.m. and 5:00 p.m. any nonresidential structure or dwelling place of four or more units. The chief of the department or his designate and the owner, occupant, or other person in charge of any nonresidential structure or dwelling place of four or more units may agree to an inspection by appointment at a time other than the hours provided in this section.**

**(b) The fire department shall assess an inspection fee of one hundred (\$100.00) dollars per inspection for any inspection performed by the fire department’s fire alarm inspector pursuant to Chapter 5 of the revised ordinances of the City of East Providence or any provision of the Rhode Island Fire Safety Code including any rule or regulation of the state fire marshal pertaining to the inspection for final approval of any approved fire alarm system or fire suppression**

**system. In the case of any commercial, industrial, manufacturing, educational, religious or governmental use, the fee shall be payable by the licensee of the property inspected if the occupant of the property inspected holds any license issued by the State of Rhode Island and Providence Plantations Department of Labor and Training. Otherwise, the fee shall be payable by the lessee of the property inspected or, if none, then by the owner of the property. In the case of any residential property, the fee shall be payable by the owner of the property.**

**The fee shall be waived if, after the final acceptance inspection, no violation of any provision of the revised ordinances of the City of East Providence or the Rhode Island Fire Safety Code including any rule or regulation of the state fire marshal has been found. Each subsequent re-inspection shall constitute an inspection for which a separate fee of one hundred (\$100.00) dollars shall be payable. The foregoing fee waiver provision shall not apply in the case of any inspection required for the board of licenses for the issuance or transfer of any license under its jurisdiction. No inspection fee shall be assessed against the City or any department, board, or commission thereof.**

**Requested by: Fire Chief**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**C.The following ordinance increases the water rates to \$4.46 per**

**hundred cu. Ft. effective November 1, 2009; \$ 4.90 effective November 1, 2010; and \$4.96 effective November 1, 2011.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "UTILITIES." Which amends Subsection (c) of Sec. 17-183 entitled "Charges to be based upon water consumption; rate" to read as follows:**

**(c) Effective November 1, 2009, the water consumption portion of the sewer charge shall be at a rate of \$4.00 4.46 per hundred cubic feet of water used based upon the actual quarterly or monthly meter reading of water consumption less an annual exemption of 3,500 cubic feet. Such exemption shall be prorated quarterly or monthly for users of city water who are billed on a quarterly or monthly basis.**

**Effective November 1, 2010, the rate per hundred cubic feet of water will increase to \$4.90.**

**Effective November 1, 2011, the rate per hundred cubic feet of water will increase to \$4.96.**

**Requested by: Director of Finance**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**D. The following ordinance approves the issuance of bonds not to exceed \$6,000,000 to finance improvements to the East Providence water system.**



**AN ORDINANCE OF THE CITY OF EAST PROVIDENCE APPROVING THE FINANCING OF IMPROVEMENTS TO THE EAST PROVIDENCE WATER SYSTEM AND ALL ATTENDANT EXPENSES INCLUDING BUT NOT LIMITED TO ENGINEERING COSTS AND APPROVING THE ISSUANCE OF WATER REVENUE BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED \$6,000,000**

**WHEREAS, in the interest of public health and safety, the City of East Providence (the “City”) desires to make certain improvements to the City’s water system, which improvement together with all attendant expenses including but not limited to engineering costs in connection therewith are hereinafter referred to as, the “Project”;**

**WHEREAS, the Rhode Island Clean Water Finance Agency (the “Agency”) is offering a program (the “ARRA Program”) through which funds it will receive through the Federal Economic Stimulus Act, Public Law 111-5, known as the “American Recovery and Reinvestment Act of 2009” will be loaned to eligible borrowers for the purpose of financing high priority infrastructure projects needed to ensure clean water in the State of Rhode Island;**

**WHEREAS, a portion of the principal of all projects funded under the ARRA Program will be forgiven;**

**WHEREAS, the City desires to participate in the ARRA Program by borrowing an amount not to exceed Six Million Dollars (\$6,000,000) from the Agency in accordance with Title VI of the Federal Clean Water Act and Title 46-12.8 of the Rhode Island General Laws, for the purpose of financing the Project;**

**WHEREAS, the City desires to issue an amount not to exceed Six Million Dollars (\$6,000,000) water system revenue bonds (the “Bonds”) or interest bearing or discounted water system revenue notes (the “Notes”) in anticipation of the issue of said Bonds of the City, at one time, or from time to time for the purpose of evidencing the borrowing described above;**

**WHEREAS, Chapter 46-12.8 of the Rhode Island General Laws, pursuant to which the Bonds or Notes will be issued, provides that notwithstanding any municipal charter to the contrary, all local governmental units shall have the power to issue local governmental obligations payable solely from drinking water system revenues pursuant thereto without limit as to amount, and the amount of principal and premium, if any, and interest on the obligations shall not be included in the computation of any limit on the indebtedness of the local governmental unit or on the total taxes which may be levied or assessed by the local governmental unit in any year or on any assessment, levy, or other charge made by the local governmental unit on any other political subdivision or instrumentality of the State of Rhode Island;**

**WHEREAS, notwithstanding the foregoing provisions of Chapter 46-12.8 of the Rhode Island General Laws, the City desires to comply with the requirements set forth in Section 4.27 of the City Charter with respect to the issuance of bonds to the extent possible;**

**WHEREAS, the estimated maximum cost of the Project is \$6,000,000;**

**WHEREAS, the period of usefulness of the Project is expected to be**

**thirty (30) years; and**

**WHEREAS, the net debt of the City is not affected by the issuance of the Bonds or Notes as the Bonds and Notes will not be general obligations of the City but will be payable solely from drinking water system revenues.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAST PROVIDENCE that:**

**SECTION 1. The sum of Six Million Dollars (\$6,000,000) is appropriated for the purpose of financing the Project.**

**SECTION 2. In accordance with Chapter 46-12.8 of the Rhode Island General Laws, the Mayor and the Director of Finance are hereby authorized to borrow an amount not exceeding Six Million Dollars (\$6,000,000) from the Agency, and to evidence such loan, such officers are hereby authorized to issue and refund on behalf of the City the Bonds, at one time, or from time to time in order to meet the foregoing appropriation.**

**SECTION 3. The said officers from time to time may issue and refund the Notes in anticipation of the issue of said Bonds.**

**SECTION 4. The Bonds and Notes shall be payable solely from drinking water system revenues. The City may issue bonds, notes, or other obligations on a parity with these Bonds as provided in the Trust Indenture (defined below). The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Bonds or Notes may be fixed by the officers authorized to sign the Bonds or Notes.**

**SECTION 5.** Pending the issuance of the Bonds under Section 2 hereof or pending or in lieu of the issue of Notes under Section 3 hereof, the Director of Finance, at the written direction of the City Council, may expend funds from funds of the City including the General Fund for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the Bonds or Notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

**SECTION 6.** The Mayor and the Director of Finance are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver a Supplemental Indenture (the “Supplemental Indenture”) amending and supplementing the Trust Indenture dated April 1, 2004 by and between the City and U.S. Bank National Association (the “Trust Indenture”), and any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the Trust Indenture, such Supplemental Indentures, the Bonds or Notes and any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) direct the Trustee with regard to investments of trust funds pursuant to the Trust Indenture, and (iv) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Ordinance in order to effectuate said borrowing and the intent

hereof.

**SECTION 7.** The Mayor and the Director of Finance are hereby authorized to deliver the Bonds or Notes to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds or Notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds or Notes to become subject to federal income taxes.

**SECTION 8.** This Ordinance is an affirmative action of the City Council of the City toward the issuance of the Bonds and Notes in accordance with the purposes of the laws of the State. This Ordinance constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this Ordinance, but prior to the issuance of the Bonds or Notes. Such amounts to be reimbursed shall not exceed Six Million Dollars (\$6,000,000) and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date on which the Project is placed in service or abandoned but in no event later than three (3) years after the date on which the expenditure is paid.

**SECTION 9.** The Mayor and the Director of Finance are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a

**Continuing Disclosure Certificate in connection with the Bonds or Notes in the form as shall be deemed advisable by the Mayor and the Director of Finance in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Bonds or Notes, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.**

**Requested by: Director of Finance**

**Motion\_\_\_\_\_By\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**E. The following ordinance approves the issuance of bonds not to exceed \$10,000,000 to finance improvements to the East Providence water system.**

**AN ORDINANCE OF THE CITY OF EAST PROVIDENCE APPROVING THE FINANCING OF THE CONSTRUCTION, EQUIPPING, EXTENSION, REPLACEMENT, REPAIR AND REHABILITATION OF THE CITY'S SEWER LINES, SEWAGE COLLECTION, AND SEWAGE TREATMENT**

**SYSTEM AND ALL PRELIMINARY AND INCIDENTAL EXPENSES AND APPROVING THE ISSUANCE OF WASTEWATER SYSTEM REVENUE BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED \$10,000,000.**

**WHEREAS, in the interest of public health and safety, the City of East Providence (the “City”) desires to make certain improvements to the City’s sewer system, including the construction, equipping, extension, replacement, repair and rehabilitation of the sewer lines, sewage collection, and sewage treatment system and all preliminary and incidental expenses in connection therewith (the “Project”);**

**WHEREAS, the Rhode Island Clean Water Finance Agency (the “Agency”) is offering a program (the “ARRA Program”) through which funds it will receive through the Federal Economic Stimulus Act, Public Law 111-5, known as the “American Recovery and Reinvestment Act of 2009” will be loaned to eligible borrowers for the purpose of financing high priority infrastructure projects needed to ensure clean water in the State of Rhode Island;**

**WHEREAS, a portion of the principal of all projects funded under the ARRA Program will be forgiven;**

**WHEREAS, the City desires to participate in the ARRA Program by borrowing an amount not to exceed Ten Million Dollars (\$10,000,000) from the Agency in accordance with Title VI of the Federal Clean Water Act and Title 46-12.2 of the Rhode Island General Laws, for the purpose of financing the Project;**

**WHEREAS, the City desires to issue an amount not to exceed Ten**

**Million Dollars (\$10,000,000) wastewater system revenue bonds (the “Bonds”) or interest bearing or discounted wastewater system revenue notes (the “Notes”) in anticipation of the issue of said Bonds of the City, at one time, or from time to time for the purpose of evidencing the borrowing described above;**

**WHEREAS, Chapter 46-12.2 of the Rhode Island General Laws, pursuant to which the Bonds or Notes will be issued, provides that notwithstanding any municipal charter to the contrary, all local governmental units shall have the power to issue local governmental obligations payable solely from wastewater system revenues pursuant thereto without limit as to amount, and the amount of principal and premium, if any, and interest on the obligations shall not be included in the computation of any limit on the indebtedness of the local governmental unit or on the total taxes which may be levied or assessed by the local governmental unit in any year or on any assessment, levy, or other charge made by the local governmental unit on any other political subdivision or instrumentality of the State of Rhode Island;**

**WHEREAS, notwithstanding the foregoing provisions of Chapter 46-12.2 of the Rhode Island General Laws, the City desires to comply with the requirements set forth in Section 4.27 of the City Charter with respect to the issuance of bonds to the extent possible;**

**WHEREAS, the estimated maximum cost of the Project is \$10,000,000;**

**WHEREAS, the period of usefulness of the Project is expected to be**



**thirty (30) years; and**

**WHEREAS, the net debt of the City is not affected by the issuance of the Bonds or Notes as the Bonds and Notes will not be general obligations of the City but will be payable solely from wastewater system revenues.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAST PROVIDENCE that:**

**SECTION 1. The sum of Ten Million Dollars (\$10,000,000) is appropriated for the purpose of financing the Project.**

**SECTION 2. In accordance with Chapter 46-12.2 of the Rhode Island General Laws, the Mayor and the Director of Finance are hereby authorized to borrow an amount not exceeding Ten Million Dollars (\$10,000,000) from the Agency, and to evidence such loan, such officers are hereby authorized to issue and refund on behalf of the City the Bonds, at one time, or from time to time in order to meet the foregoing appropriation.**

**SECTION 3. The said officers from time to time may issue and refund the Notes in anticipation of the issue of said Bonds.**

**SECTION 4. The Bonds and Notes shall be payable solely from wastewater system revenues. The City may issue bonds, notes, or other obligations on a parity with these Bonds as provided in the Trust Indenture (defined below). The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Bonds or Notes may be fixed by the officers authorized to sign the Bonds or Notes.**

**SECTION 5.** Pending the issuance of the Bonds under Section 2 hereof or pending or in lieu of the issue of Notes under Section 3 hereof, the Director of Finance, at the written direction of the City Council, may expend funds from funds of the City including the General Fund for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the Bonds or Notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

**SECTION 6.** The Mayor and the Director of Finance are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver a Trust Indenture by and between the City and a corporate trustee selected by said officers (the "Trust Indenture"), one or more Supplemental Indentures relating to the Bonds and any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the Trust Indenture, such Supplemental Indentures, the Bonds or Notes and any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) direct the Trustee with regard to investments of trust funds pursuant to the Trust Indenture, (iv) enter into intermunicipal agreements or amend existing intermunicipal agreements with other municipalities utilizing the wastewater treatment facility and regional collection system with respect to sharing cost of the Project, and (v) do and perform all such

other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Ordinance in order to effectuate said borrowing and the intent hereof.

**SECTION 7.** The Mayor and the Director of Finance are hereby authorized to deliver the Bonds or Notes to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds or Notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds or Notes to become subject to federal income taxes.

**SECTION 8.** This Ordinance is an affirmative action of the City Council of the City toward the issuance of the Bonds and Notes in accordance with the purposes of the laws of the State. This Ordinance constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this Ordinance, but prior to the issuance of the Bonds or Notes. Such amounts to be reimbursed shall not exceed Ten Million Dollars (\$10,000,000) and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date on which the Project is placed in service or abandoned but in no event later than three (3) years after the date on which the expenditure is paid.

**SECTION 9.** The Mayor and the Director of Finance are authorized to

take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the “SEC Rule”) and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds or Notes in the form as shall be deemed advisable by the Mayor and the Director of Finance in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Bonds or Notes, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

Requested by: Director of Finance

Motion\_\_\_\_\_By\_\_\_\_2nd\_\_\_\_\_

Coogan\_\_\_\_Cusack\_\_\_\_DiTraglia\_\_\_\_Perry\_\_\_\_Larisa\_\_\_\_\_

## **NEW BUSINESS**

**A.City Managers Report (by City Manager Brown)**

**1. Request for Qualifications CDBG City Sidewalk Replacement**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **2. Implementation of ICMA Report on Police Department Staffing Levels**

### **B.Reports of Other City Officials**

#### **1. Claims Committee Report (by City Solicitor Briden)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

### **C. Council Members**

#### **1. “Approval of School Committee Deficit Reduction Plan”. (by Mayor Larisa)**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

#### **2. “Update on Teacher Union actions to accomplish a 10% or more property tax increase or municipal bankruptcy.” (by Mayor Larisa)**

#### **3. Noise Ordinance for Single and Multi-family Dwellings (by**

## **Councilman DiTraglia)**

### **D. Communications**

**1. Gaile Crowell, 8 Gorham Street, Rehoboth, MA requesting to address the Council regarding blocking the corner of Mauran Avenue and Warren Avenue connector to Water Street, not to interfere with access to the East Providence Yacht Club for the purposes of the “Nathan D. Crowell Memorial Fund “Block the Shot” Motorcycle Run which will end at Houlihans at 28 Water Street.**

**2. Dean Ventre/Roger Morrell, 16 Outlook Avenue (02914) requesting to address the Council regarding a Block Party on August 22 from 4:00pm-11:00pm blocking off Outlook Avenue from Hawthorne to Brightridge.**

**3. Tom Riley, 3620 Pawtucket Avenue requesting to address the Council regarding opposition to proposed mattress collection charges.**

### **E. Adjournment**

**Motion\_\_\_\_\_By\_\_\_\_\_2nd\_\_\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**